

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER GYORKO,

Defendant,

NINA K. GYORKO,

Petitioner.

**CRIMINAL ACTION NO. 5:15-cr-45
(BAILEY)**

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 292]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Seibert filed his R&R on October 5, 2016, wherein he recommends that petitioner Nina K. Gyorko's Letter Motion for Return of Property [Doc. 181], filed on February 5, 2016, be granted and that petitioner's second Letter Motion for Return of Property [Doc. 199], filed on March 8, 2016, be denied as moot.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

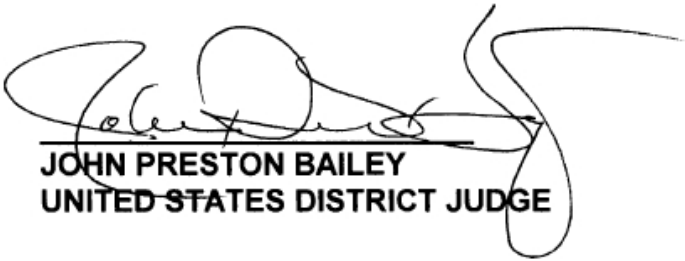
recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that service was accepted on October 6, 2016 [Doc. 293]. No objections have been filed to date. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 292]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court **ORDERS** that the petitioner's **Letter Motion for Return of Property [Doc. 181]**, filed on February 5, 2016, be **GRANTED** and that Nina Gyorko's second **Letter Motion for Return of Property [Doc. 199]**, filed on March 8, 2016, be **DENIED AS MOOT**. As an additional matter, the vehicle at issue herein, a 2007 Chrysler 300M, Vehicle Identification Number: 2C3LA63H77H751078, registered in the State of West Virginia, and bearing license plate, "5YD614," described in the **Judgment Order** as to Christopher T. Gyorko **[Doc. 195]**, is **ORDERED RETURNED** to petitioner Nina K. Gyorko, free of any liens or encumbrances imposed by the Government in relation to this matter.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

DATED: October 25, 2016.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE